

University Education (Ireland) Bill.

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B I L L

FOR

The Extension of University Education in Ireland.

A.D. 1873.

WHEREAS with a view to the advancement of learning in Ireland it is expedient to give further effect to the provisions for the promotion of University education contained in the several charters and statutes establishing and regulating the University of Dublin and Trinity College, and to make other provisions for the same purpose :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as "The University Act (Ireland), 1873," and shall apply to Ireland only.

Short title and application of Act.

PART I.

15 UNIVERSITY OF DUBLIN AND TRINITY COLLEGE.

Extension of University of Dublin.

2. On and after the first day of January one thousand eight hundred and seventy-five, in addition to Trinity College, the colleges named in the first schedule hereto, and any other institutions which the University council, hereafter in this Act mentioned, may declare to be colleges of the University of Dublin shall be colleges of that University.

Additional colleges of the University.

3. On and after the first day of January one thousand eight hundred and seventy-five the University of Dublin shall be a body corporate bearing the corporate name of "The University of Dublin," and by that name shall have perpetual succession and a common seal, with a capacity to sue and be sued in its corporate name, and

Incorporation and additional members of University.

[Bill 55.]

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A.D. 1873. shall on and after such day as last aforesaid, in addition to the chancellor for the time being, the doctors, and masters, comprise—

The members of the University council and the professors for the time being of the University, or such of them as would not otherwise be members of the University; also

All persons who are on the said first day of January one thousand eight hundred and *seventy-five*, or who may thereafter become matriculated scholars of the said University, whether resident in a college of the University or, in accordance with the University regulations in that behalf, resident elsewhere.

Establishment and powers of the University council.

4. A council, to be called "the University council," shall be established, and on and after the first day of January one thousand eight hundred and *seventy-five*, all powers, privileges, and functions possessed or exercised by the provost and senior fellows of Trinity College, by virtue of any charter, Act of Parliament, or custom, in relation to the constitution or management of the University, to the appointment of officers, or the regulation of any matter or thing affecting the University, shall pass to and be exercised by such council, subject nevertheless to the provisions of this Act and to any ordinances made thereunder.

Constitution of University council.

5. The University council established under this Act shall consist of ordinary members and collegiate members.

The ordinary members shall be twenty-eight in number, and the first ordinary members shall be the several persons named in the second schedule hereto.

An ordinary member may resign on stating his intention so to do in writing under his hand addressed to the council.

Vacancies in the ordinary members of the council shall, during the first ten years after the first day of January one thousand eight hundred and *seventy-five*, be filled up alternately by Her Majesty and by the council.

At the expiration of the said period of ten years, the ordinary members shall be distributed into seven divisions, such divisions to be numbered consecutively from one to seven inclusive (the members of each division to be chosen by agreement or by lot), and on the first day of January in the year one thousand eight hundred and *eighty-five* and every succeeding year one division of the ordinary members for the time being shall retire from office.

During each of the first six years of the septennial period succeeding the expiration of such ten years, the divisions to retire shall be determined by the order of their numbers. In every subsequent year the division which has been longest in office shall retire.

The vacancies occasioned in each year by the retirement in A.D. 1873.
manner aforesaid of a division consisting of four members shall be
filled up by the appointment or election, according to circumstances,
of a member by each of the following authorities; that is to say,

- 5 (a.) Her Majesty;
- (b.) The University council;
- (c.) The professors of the University;
- (d.) The senate of the University.

Casual vacancies occurring in the ordinary members after the
10 expiration of the said first ten years shall be filled up as follows;
that is to say, if the vacating members be any of the members
named in the second schedule hereto, alternately by Her Majesty
and the council, and in any other case by the council, but any
person chosen to fill a casual vacancy shall retain his office so long
15 only as the vacating member would have retained the same if no
vacancy had occurred.

A retiring ordinary member shall be eligible for re-election.

The collegiate members shall be chosen as follows; that is to
say,

- 20 Every college of the University during such time as it has not
less than fifty of its members being in statu pupillari and matri-
culated as scholars of the University, shall be entitled to return one
person as a collegiate member of the council of the University,
and every college of the University, during such time as it has
25 not less than one hundred and fifty members unmatriculated as afore-
said, shall be entitled to return two persons as collegiate members
of the council of the University.

The collegiate members of the council shall hold their offices
for seven years and no longer.

- 30 A retiring collegiate member shall be eligible for re-election.

For the purposes of this section, no matriculated scholar shall be
reckoned as a member of more than one college of the University.

- The rules contained in the third schedule to this Act with respect
to the powers of the council, and the other matters relating to
35 the council, and in the fourth schedule to this Act, with respect to
the proceedings of committees of the council, shall be deemed
to be ordinances of the University, and alterable in the same
manner as if they had been ordinances made by the council.

6. On the first day of January one thousand eight hundred and
40 seventy-five, a vacancy shall be deemed to have arisen in the office
of chancellor; and on and after that day the Lord Lieutenant of
Ireland for the time being shall be the chancellor of the University.

A.D. 1873.

Alteration
in selection
and tenure
of office of
vice-chancellor.

7. The vice-chancellor of the University shall be elected by the council out of the members of that body.

The vice-chancellor shall hold his office for four years, and until his successor is appointed.

A vacancy shall be deemed to have arisen in the office of vice-chancellor on the first day of January one thousand eight hundred and seventy-five, and on that day the first election of a vice-chancellor in pursuance of this Act shall take place.

A retiring vice-chancellor shall be eligible for re-election.

Additional
powers of
senate.

8. At any election of a member or members of Parliament for the University to be held after the first day of January one thousand eight hundred and seventy-five, such member or members shall be chosen by the senate: Provided that any person having at the date of the passing of this Act a right to vote for a member of Parliament for the University, shall retain such right during the time and subject to the conditions for which and on which he would have retained the same if this Act had not passed.

Her Majesty
to be visitor
to the Uni-
versity.

9. On and after the first day of January one thousand eight hundred and seventy-five, there shall be repealed so much of any charter or letters patent as provides for visitors of the University of Dublin; and on and after such date as aforesaid Her Majesty shall be visitor of that University.

Tests and Theological Faculty.

Prohibition
of tests in
University
and College.

10. On and after the first day of January one thousand eight hundred and seventy-five it shall not be lawful for the University or for Trinity College to impose on any person the taking of holy orders or the belonging or not belonging to any particular religious denomination, as a condition of holding any office or emolument in the University or College, or to impose on any person for any purpose any religious test or religious qualification.

Council to
reprimand
teachers who
give wilful
offence in
matters of
religion.

11. On and after the first day of January one thousand eight hundred and seventy-five the council shall have power to question, reprimand, or punish by suspension deprivation or otherwise, any professor, teacher, examiner, or other person having authority in the University, who when in discharge of his functions as a University officer may by word of mouth, writing, or otherwise, be held by them to have wilfully given offence to the religious convictions of any member of the University.

Prohibitions
and restric-
tions as to

12. On and after the first day of January one thousand eight hundred and seventy-five the University shall not have power

to examine any person in theology, or to grant any degree in theology, or to appoint any person as professor or teacher in theology, modern history, or moral and mental philosophy; and on and after such day as last aforesaid the governing body of Trinity College shall not have power to maintain a theological faculty, or to apply any portion of the revenues of the College towards the maintenance of such faculty, or the instruction in divinity of persons who are not in statu pupillari; but nothing in this Act shall prevent the said College from making arrangements for giving such religious instruction to persons in statu pupillari as it deems expedient.

A.D. 1873.

teaching
in University
and College.

13. On and after the first day of January one thousand eight hundred and seventy-five the theological faculty shall be separated from the University of Dublin and from Trinity College, and shall, together with the property belonging thereto, with the assent of the representative Church body incorporated by letters patent of the fifteenth day of October one thousand eight hundred and seventy, in this Act referred to as the said representative Church body, be transferred to that body.

Separation of
theological
faculty from
University
and College.

14. The property belonging to the theological faculty shall be deemed to consist of—

Description
and liabilities
of property
of theological
faculty.

(a.) All private endowments applicable to its maintenance; and

(b.) A capital sum, payable by Trinity College, equal to fifteen times the amount of annual expense which has actually been incurred by Trinity College on an average of the seven years immediately preceding the passing of this Act, in or about the maintenance of the said faculty, after deducting the sums annually proceeding from such private endowments as aforesaid; and

(c.) A capital sum payable by Trinity College sufficient to provide suitable buildings with proper fittings for the accommodation of the theological faculty, such sum not to exceed fifteen thousand pounds.

The representative Church body shall, in the event of their accepting the property belonging to the theological faculty, be liable to pay out of such property, or of any other property belonging to them, all debts and charges affecting the property transferred, and, further, to pay the salaries and satisfy the claims of all persons who, at the time of the property so passing to the representative Church body, hold offices or emoluments in the said faculty.

The capital sums by this section made payable by Trinity College as part of the property of the theological faculty, and in this Act referred to as the theological faculty fund, shall, until the payment

A.D. 1873.

thereof to the representative Church body, bear interest at the rate of four per cent., payable half-yearly on the first day of January and the first day of July in every year, the first of such payments to be made on the first day of July one thousand eight hundred and *seventy-five*.

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The theological faculty fund, together with all interest due thereon, shall be paid off at or before the expiration of fourteen years from the first day of January one thousand eight hundred and *seventy-five*.

Provisions
as to holders
of offices or
emoluments
in theological
faculty.

15. The said representative Church body shall stand in the same relation to all persons holding offices or emoluments in the said theological faculty at the time of such faculty being transferred to the said representative Church body as the University and Trinity College, or one of such bodies, would have stood in if no such transfer had taken place; and all such persons shall perform the same or analogous duties, and shall be subject to the same or analogous obligations in relation to the said representative Church body as they would have performed and been subject to in relation to the University and Trinity College, or one of such bodies, if no such transfer as aforesaid of the theological faculty had taken place.

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Power for
religious de-
nominations
to confer
degrees.

16. Nothing in this Act or in any other law or custom shall prevent any religious denomination in Ireland from conferring, at any time after the first day of January one thousand eight hundred and *seventy-five*, on any person belonging to such religious denomination, a scholastic title such as has hitherto been in use, by way of degree in religious learning, having annexed thereto some distinctive addition of the name, or referring to the name of the body of persons by whom the title is conferred.

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Regulations consequent on Extension of University.

Contribution
by Trinity
College to-
wards en-
dowments of
University.

17. On and after the first day of January one thousand eight hundred and *seventy-five*, there shall be payable half-yearly by Trinity College towards the endowments of the University an annual sum of *twelve thousand pounds*, in this Act referred to as the University charge, such half-yearly payments to be made on the first day of January and the first day of July in every year, and the first of such payments to be made on the first day of July one thousand eight hundred and *seventy-five*.

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Such annual payment, or any part thereof, may at any time be commuted on payment by the College of a capital sum equal to twenty-five times the amount of the said annual sum, or part so commuted; and such annual payment shall be commuted for such

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capital sum as aforesaid at or before the expiration of *fourteen* years from the said first day of January one thousand eight hundred and *seventy-five*. A.D. 1875.

- If the governing body of Trinity College, on or before the expiration of six months from the date of the passing of this Act, give notice to the Commissioners of Her Majesty's Treasury that they are desirous that instead of such annual payment as aforesaid being payable by them to the University a share of the property of the University and College should be allocated to the said University, it shall be lawful for Her Majesty to empower the Commissioners of Church Temporalities in Ireland under the Irish Church Act, 1869 (in this Act referred to as the Church Commissioners), to allocate, and they shall accordingly allocate in manner directed in the fifth schedule to this Act, to the University and Trinity College the property the revenues of which have hitherto been applicable to the maintenance of the said University and College; and upon such notice being given the said College shall not become liable to pay the said annual sum of *twelve thousand* pounds, and such allocation shall take effect from the first day of January one thousand eight hundred and *seventy-five*.

18. On or before the first day of January one thousand eight hundred and *seventy-five*, the governing body of Trinity College shall make regulations for opening the library and museums on equal terms to all members of the University and of the College. Library and museum to be open to University.

- 25 Such regulations shall be confirmed by Her Majesty in the same manner as if they were ordinances made by Trinity College, and all the provisions of this Act relating to the confirmation of ordinances of the College shall apply accordingly.

19. The professors and other officers of the University shall, on and after the first day of January one thousand eight hundred and *seventy-five*, vacate their offices in the University, and become professors and officers holding corresponding offices in Trinity College, and the governing body of Trinity College shall, on and after the first day of January one thousand eight hundred and *seventy-five*, stand in the same relation to all persons who may, immediately before such day as aforesaid, have been under their control either as officers of the University or of the College, as they would have stood in if this Act had not passed, and all such last-mentioned persons shall perform the same or analogous duties, and shall be subject to the same or analogous obligations in relation to Trinity College, after the said first day of January one thousand

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Provides as to holders of offices or emoluments in University or Trinity College.

A.D. 1873. eight hundred and *seventy-five*, as they would have performed or been subject to if this Act had not passed.

Provided, that if the council of the University shall, upon the application or with the assent of the governing body of Trinity College, require any professor or other teacher who was immediately before the first day of January one thousand eight hundred and *seventy-five* engaged in teaching in the University to continue as professor or teacher in the University, under the authority of the council instead of under the authority of the governing body of Trinity College, it shall be the duty of such professor or other teacher to continue, and the council of the University may assign to him such duties as he has previously performed as a professor or other teacher of the University, or other analogous duties.

Queen's University.

Incorporation of Queen's University in University of Dublin.

20. On and after the first day of January one thousand eight hundred and *seventy-five*, the Queen's University shall be dissolved.

All property, real and personal, belonging or in anywise appertaining to or appropriated to the use of the Queen's University in Ireland, shall pass to and vest in the University of Dublin, subject to all debts and liabilities affecting the same.

All persons who on the said day are graduates of the Queen's University shall forthwith become graduates of the University of Dublin with corresponding degrees; and all persons who on the said day are matriculated students of the Queen's University shall forthwith become matriculated scholars of the University of Dublin.

All terms kept and examinations passed by any such graduates or students in the Queen's University shall be deemed to be terms kept and examinations passed by them in the University of Dublin.

Queen's College, Galway.

Prospective dissolution of Queen's College, Galway.

21. The senate of the Queen's University shall, as soon as practicable after the passing of this Act, prepare a scheme for the dissolution of the Queen's College, Galway, such dissolution to take effect at a date not later than the first day of January one thousand eight hundred and *seventy-six*; and there shall be contained in such scheme provisions for making compensation to holders of any office or emolument in the said college for any loss they may sustain by such dissolution as aforesaid.

Subject to such compensation as aforesaid, all property, real and personal, belonging or in anywise appertaining to or appropriated to the use of Queen's College, Galway, shall be sold, and after pay-

ment of all debts and liabilities affecting the same, the surplus arising from such sale shall be paid to the University; and any grant out of the Consolidated Fund heretofore made to such College shall cease. A.D. 1872.

- 5 Any scheme made by the senate of the Queen's University under this Act shall be provisional only until it has been confirmed by order of Her Majesty in Council, but when so confirmed shall be of the same validity as if the provisions thereof had been enacted in this Act.

10 *University Property.*

22. On and after the first day of January one thousand eight hundred and seventy-five, in addition to any other property by this Act conferred on the University, there shall be paid to the University out of the proceeds of the property accruing to the Commissioners of Church Temporalities in Ireland under the Irish Church Act, 1869, such capital sum, not exceeding pounds, as may hereafter be determined by Parliament, and out of the Consolidated Fund an annual grant of ten thousand pounds. Addition to property of the University.

23. The property of the University shall be applied by the 20 council, in accordance with a scheme or schemes made by them, with the assent of Her Majesty in Council, to some or all of the purposes following: Application of the property of the University.

- (1.) Maintaining and if necessary providing suitable buildings for the purposes of the University:
 25 (2.) Providing and maintaining suitable professors, examiners, and other officers for the purposes of the University:
 (3.) Providing and endowing fellowships, exhibitions, and bursaries for the encouragement of learning in the University:
 30 (4.) Providing and maintaining such other matters and things as may be required for the purposes of effectually carrying into effect the objects of the University.

Any scheme made in pursuance of this section shall be alterable by an ordinance of the University.

24. The following restrictions shall be imposed on the endow- 35 ments of the University; that is to say, Restrictions on University endowments.
 (1.) A fellowship shall not be tenable for a period of more than five years, and shall not be tenable by any person who is not a graduate of the University;
 40 (2.) An exhibition or bursary can be acquired only by a person in statu pupillari, and a bursary shall not be competed for by any person who has passed the first year after his matriculation;

A.D. 1878.

- (3.) The holder of an exhibition or bursary shall not be required to reside in any particular place; and
- (4.) A fellowship exhibition or bursary shall not be tenable by any person who holds any other public academical emolument in Ireland.

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University Examinations.

Regulations
as to Uni-
versity ex-
aminations.

25. With respect to examinations in the University, the following regulations shall on and after the first day of January one thousand eight hundred and seventy-five have effect:

- (1.) Every examination shall be conducted by an examining board appointed for that purpose by the council; and
- (2.) The majority of every examining board shall be composed of persons not being professors in the University; and
- (3.) No examiner for matriculation or degrees in the faculty of arts shall hold his office for more than two years, or shall be re-appointed examiner in the said faculty till after the expiration of two years from the time at which he last ceased to be examiner; and
- (4.) No candidate shall be entitled to matriculation unless he has passed a satisfactory examination; and
- (5.) Students of the University shall not be obliged to attend lectures or any other course of instruction given by the University; and
- (6.) No disqualification shall attach to any candidate in any examination by reason of his adopting in modern history, moral or mental philosophy, law, medicine, or any other branch of learning, any particular theory in preference to any other received theory; and
- (7.) A candidate for matriculation or for a fellowship, exhibition, or bursary, shall not be examined in modern history or in moral or mental philosophy; and
- (8.) The faculty of arts shall for the purposes of examination for degrees, be subdivided into the following branches:
- (a.) Ancient languages and literature;
 - (b.) Modern languages and literature;
 - (c.) Ancient history;
 - (d.) Modern history;
 - (e.) Philosophy;
 - (f.) Mathematics, pure and mixed;
 - (g.) Natural sciences;
- and any candidate shall be entitled to a degree in arts who has passed a satisfactory examination in such one or

more of the said branches, as may for the time being be determined by the council to qualify a candidate for a degree; and honours shall be awarded to any candidate who may have shown sufficient proficiency to be entitled to honours in any such branch as aforesaid.

A.D. 1873.

Provided—

(1.) That every examination in modern history and moral and mental philosophy shall be voluntary, whether for degrees or otherwise :

(2.) Ancient languages and literature may be reckoned as equivalent to two branches of the faculty of arts for the purpose of a degree.

Ordinances of University and College.

26. Subject to the provisions of this Act, the council may in addition to any other powers by this Act conferred on them, from time to time, and at any time after the first day of January one thousand eight hundred and seventy-five, by ordinance, make such schemes and frame such provisions as they may think fit respecting the buildings and institutions of the University, and generally in relation to any other matter or thing affecting the University which is required or desired to be regulated by ordinance, but every ordinance so made shall be provisional only until confirmed by Her Majesty in Council.

Power to
alter University
statutes.

Any power given by this section shall be deemed to be in addition to, and not in derogation of, any other power conferred by this Act on the council, and the council may exercise such other power in the same manner as if this section had not passed.

27. Subject to the provisions of this Act, the governing body of Trinity College may from time to time, and at any time after the first day of January one thousand eight hundred and seventy-five, by ordinance, make such schemes and frame such provisions as they may think fit with respect to institutions of the College, and generally in relation to any other matter or thing affecting the College which is required or desired to be regulated by ordinance, but every ordinance so made shall be provisional only until it has been confirmed by Her Majesty in Council.

Power to
alter College
statutes.

Any power given by this section shall be deemed to be in addition to, and not in derogation of, any other power which may at the date of the passing of this Act be exercised by the governing body of Trinity College, without the consent of the visitors, and the said governing body may exercise every such other power in the same manner as if this section had not passed.

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Confirmation
by Her
Majesty of
University
and College
ordinances.

28. The council in the case of an ordinance made by them, and the governing body of Trinity College in the case of an ordinance made by them, shall, as soon as may be after making a provisional ordinance, cause public notice of such ordinance to be given, and shall lay a copy thereof before Her Majesty in Council. 5

Public notice shall be given of a provisional ordinance by the publication of a copy thereof in the "Dublin Gazette," and the production of a copy of the Gazette containing the notice shall be evidence of the notice and of the time of its publication.

Her Majesty may confirm or refuse to confirm such provisional ordinance, either wholly or as to part thereof. 10

If Her Majesty confirm the same, either wholly or in part, the provisional ordinance or the part confirmed shall thereupon become an ordinance of the University or College, as the case may require; but if she refuse her confirmation, either wholly or in part, the ordinance, or the part to which confirmation is refused, shall be deemed to be cancelled. 15

In the event of an ordinance being cancelled, either wholly or in part, the University or College, as the case may require, may frame another ordinance in that behalf, subject to the said condition as to confirmation, and so on from time to time as often as occasion requires. 20

Any ordinance made in manner provided by this Act shall, when confirmed by Her Majesty, be deemed to be within the powers of, and to be of the same force as if it were enacted in this Act. It shall not repeal or be inconsistent with any provisions of this Act, except in the case of such provisions as are by this Act declared to be capable of being repealed or altered by ordinance, but, save as aforesaid, it may in the case of a University ordinance repeal any provision relating to the University, and in the case of a College ordinance repeal any provision relating to the College contained in any charter, Act of Parliament, University or Collegiate statute, ordinance, or regulation. 25 30

Any University or College ordinance made in pursuance of this Act may from time to time, and as often as occasion requires, be amended or repealed by a subsequent ordinance made in like manner; but on and after the first day of January one thousand eight hundred and seventy-five, so much of any law or charter as enables Her Majesty to make statutes for the regulation of the University or of Trinity College, or as enables the governing body of Trinity College to make decrees for the regulation of the college, with the consent of the visitors, shall be repealed. 40

Any ordinance made by the University or Trinity College, when confirmed by Her Majesty, shall be laid before both Houses of Parliament forthwith if Parliament be sitting at the time of the confirmation of such ordinance, and if it be not then sitting, within 5 three weeks after the next assembling of Parliament.

A.D. 1873.

PART II.

Supplemental Provisions and Definitions.

29. It shall be enacted with respect to the University as follows; that is to say,

Supplemental provisions as to University and degrees therein.

- 10 On and after the said first day of January one thousand eight hundred and *seventy-five*, there shall be repealed any provision of any Act of Parliament, charter, or letters patent, or any law or custom inconsistent with this Act, but, save as aforesaid, the University shall retain its powers of conferring degrees, and all its existing
15 powers, privileges, and functions; and save as aforesaid, and until altered in manner provided by this Act, all statutes, regulations, and customs of the University shall remain in full force.

- On the first day of January one thousand eight hundred and *seventy-five*, and at any time during the succeeding three years,
20 there may be granted to any person who may have passed a satisfactory examination for matriculation in the University, and may be a member of any college of the University, such number of terms for the purpose of his degree in the University as he may be certified by the governing body or head of any such college
25 to have passed under instruction in any such college, whether such terms were passed before or after the said first day of January one thousand eight hundred and *seventy-five*.

- 30 30. Any vacancy occurring in the ordinary members of the council before the council is completed by the election of collegiate members shall be filled up as soon as practicable after the completion of the council, but not before.

Supplemental provisions as to ordinary members of council.

- Whenever any vacancy occurs in the office of ordinary member of the council, the council shall, except in cases where it has itself the power of filling up the vacancy, notify the fact of such vacancy
35 in such manner as they think expedient to the person or authority empowered to fill the same.

31. For the purpose of determining the colleges entitled to return collegiate members to the council, the ordinary members for the time being of the council shall, on the first Monday in the month

Supplemental provisions as to collegiate members.

A.D. 1873. of September one thousand eight hundred and seventy-four, hold an examination for matriculating as scholars of the University any members of any college of the University named in the first schedule hereto who may pass satisfactory examinations, and shall matriculate the same accordingly. The persons so matriculated as scholars shall not be entitled (as such) to any privileges of the University until the first day of January one thousand eight hundred and seventy-five; but they shall be taken into account in determining the colleges qualified to return collegiate members to the University.

The examinations held in pursuance of this section shall be conducted in manner provided by this Act with respect to matriculation examinations in the University, or as near thereto as circumstances permit, and for the purposes of such examinations the ordinary members for the time being of the council shall be deemed to have all the powers by this Act conferred on the council, and to be the council.

The ordinary members of the council shall, in the first week of October one thousand eight hundred and seventy-four, issue precepts to the several colleges entitled to return collegiate members, specifying the number of members such college is entitled to return, and the council shall in like manner from time to time, whenever a right to elect a member accrues to a college by reason of a vacancy or otherwise, issue a like precept to such college, empowering such college to elect a member in pursuance of such precept.

Within three weeks after the receipt of a precept to elect a collegiate member or members, the college to which such precept is addressed shall elect, by a resolution of its governing body assembled at a special meeting called for that purpose, the collegiate member or members whom they are for the time being empowered to elect, and the college shall, by a certificate, return to the council the name or names of the member or members so elected.

When a precept has been issued for the election of a collegiate member the member elected in pursuance of such precept shall be entitled to hold his office until the expiration of the seventh year from the date of the precept, notwithstanding the college by which he is returned may for the time being have lost the privilege of returning such member by reason of a reduction in the number of its members matriculated as scholars of the University.

A collegiate member may resign by notice under his hand addressed to the council.

The council shall be deemed to be complete on the first day of November one thousand eight hundred and seventy-four. The council

A.D. 1873.

so completed may at any time between the first day of November one thousand eight hundred and seventy-four and the first day of January one thousand eight hundred and *seventy-five*, enjoy and exercise its powers, privileges, and functions in the same manner in which it is entitled to enjoy and exercise the same on and after the first day of January one thousand eight hundred and seventy-five.

Provided that no arrangement made by the council, and no appointment of any officer except a secretary, shall come into operation until the first day of January one thousand eight hundred and *seventy-five*; and that nothing in this section contained shall authorise the council to interfere with the exercise of any powers, privileges, or functions of the provost and senior fellows of Trinity College which they would have been entitled to enjoy or exercise if this section had not passed.

32. On and after the first day of January one thousand eight hundred and *seventy-five* there shall be repealed so much of the letters patent of the twenty-fourth day of July one thousand eight hundred and fifty-seven, and of any law or custom, as provides that in order to entitle doctors or masters of the University to be members of the senate, they shall have and keep their names on the books of Trinity College in accordance with such regulations as the provost and senior fellows shall enact; and instead thereof, be it enacted, that in addition to the chancellor (or in his absence, the vice-chancellor) the senate of the University shall consist of all doctors or masters of the University for the time being who are registered in pursuance of this Act.

Supplemental provisions as to senate.

Also so much of the said letters patent as purports to incorporate the senate shall be repealed.

The senate shall assemble whenever required for the purposes of an election, either of members of the council or of members of Parliament, and on such other days as may from time to time be fixed by the council under this Act.

An extraordinary meeting of the senate may be summoned at any time by the chancellor, and shall be summoned by him on a requisition for that purpose sent to him by not less than thirty members of the senate.

A register shall be kept of members of the senate in the manner and by the officer prescribed by any University ordinance for the time being in force, and no person shall be entitled, as a member of the senate, to attend or vote at any meeting of the senate unless his name is entered on the register.

There may be charged in respect of registration such fees as may from time to time be determined by the council, not exceeding

A.D. 1878.

for the entry of each name, with this exception, that no fee shall be charged for the entry of the name of any person on the register who is entitled to have his name entered on such register on the first day of January one thousand eight hundred and seventy-five.

On and after the first day of January one thousand eight hundred and seventy-five, the caput of the senate shall be dissolved.

Supplemental provisions as to chancellor and vice-chancellor.

33. When the office of Lord Lieutenant is vacant, and its duties performed by the Lords Justices or other chief governors of Ireland, the office of chancellor shall be filled by such one of such justices or chief governors as is the highest in rank for the time being.

The vice-chancellor may resign on giving notice of his intention so to do to the council in writing under his hand.

Supplemental provisions as to visitor of college.

34. On and after the first day of January one thousand eight hundred and seventy-five the chancellor of the University as such shall cease to be a visitor of Trinity College, but any person who at the date of the passing of this Act is visitor of Trinity College shall continue to be a visitor during his life, and subject as aforesaid it shall be lawful for the governing body of the said College to submit a scheme to Her Majesty for the appointment of visitors of the said College, and such scheme, if approved by Her Majesty, shall be as valid as if it were enacted in this Act.

Supplemental provisions as to theological faculty.

35. If any difference arises between the said representative Church body and the governing body of Trinity College as to what are private endowments applicable to the maintenance of the theological faculty, such difference shall be decided by arbitration.

If the said representative Church body refuse to undertake the duties by this Act imposed on them in respect of the said theological faculty, it shall be lawful for Her Majesty, by Order in Council, to create such trust for the performance of such duties as to Her Majesty seems meet; and the provisions of this Act shall be construed as if the trust so created were substituted therein for the said representative Church body.

The said representative Church body may appoint a committee of their body to manage the said theological faculty, and may delegate to such committee any powers conferred on the said representative Church body by this Act.

Notwithstanding anything contained in any Act of Parliament, charter, deed, or other instrument of foundation relating to the said theological faculty, or any part thereof, the said representative Church body may alter any office or emolument belonging to such faculty by bill duly passed in manner provided by the charter of

incorporation of such body, without prejudice, nevertheless, to the interest of any person for the time being holding any office or emolument in the said faculty; subject to this proviso, that no alteration shall be made in any private endowment belonging to the said faculty, without the assent of Her Majesty in Council.

A.D. 1872.

36. The theological faculty fund and the University charge shall be debts due from Trinity College and charges on all the real and personal property of Trinity College, having priority over all other charges and incumbrances, except charges and incumbrances subsisting thereon at the date of the passing of this Act.

Supplemental provisions as to moneys payable by Trinity College.

As respects any capital charge payable by Trinity College under this Act, the College may, on giving six months notice to the body entitled to such charge, pay off the same.

The six months notice to be given under this section in respect of any charge shall commence either on the day on which the charge is created, or on some day on which the interest on such charge becomes payable.

If default is made in the payment by Trinity College of any moneys due in respect or on account of the theological fund or the University charge, the body entitled to receive such moneys shall have the same remedies as if they were mortgagees of the property on which the said fund or charge is secured under a deed, and such deed contained a power of sale and a power to appoint a receiver.

The Public Works Loan Commissioners, as defined by the Public Works Loan Act, 1853, may advance to Trinity College, upon the security of their property, at a rate of interest not less than three and a half pounds per centum per annum, such sums of money as may be approved by the Treasury, and may be required by the College for payment of any capital sum payable by them on account of the theological fund or the University charge.

37. When any portion of the income of the holder of any office or emolument in Trinity College is derived from fees or other like sums payable into a common fund and then distributed amongst certain of the said holders, or payable directly to or for the holder of such office or emolument, if at any time, after the first day of January one thousand eight hundred and seventy-five, proof to the satisfaction of the visitors for the time being of Trinity College is given by such holder or the governing body of Trinity College on his behalf, that such portion as aforesaid of income has been diminished by reason of loss of pupils to the College, resulting from the operation of this Act, the visitors shall direct the governing body of the College to make good to such holder the portion

Supplemental provisions guaranteeing tutorial fund and provisions fees in certain cases.

A.D. 1673.

so diminished as aforesaid, and any sum paid by the governing body in making good such portion may be raised in manner in which any commutation money payable by them is by this Act authorised to be raised. But this section shall apply only in the event of Trinity College assenting to pay the University charge as in this Act mentioned; and this section shall not apply to any person becoming the holder of an office or emolument in Trinity College after the passing of this Act.

Supplemental provisions enabling Trinity College to commute claims of office holders.

38. In the event of Trinity College assenting to pay the University charge as in this Act mentioned, and of no allocation of property being made in manner provided by the said fifth schedule, it shall be lawful for the governing body of Trinity College, on or at any time after the said first day of January one thousand eight hundred and seventy-five, to commute the claim of any existing holder of any office or emolument in the said College on payment of such sum of money as may be agreed upon.

Supplemental provisions enabling Trinity College to deal generally with their property as they think expedient.

39. In the event of Trinity College assenting to pay the University charge as in this Act mentioned, and of no allocation of property being made in manner provided by the said fifth schedule, it shall be lawful for the governing body of Trinity College, on and after the said first day of January one thousand eight hundred and seventy-five, with the assent of Her Majesty in Council, to sell and convert into money any portion of their property for the time being, and to apply the proceeds arising from any such sale in paying any commutation money payable by them in pursuance of this Act, or in discharging any debts or mortgages, or to appropriate such money to any other purpose to which the property sold or the income thereof would have been applicable.

Supplemental provisions as to the Queen's University.

40. It shall be enacted with respect to the Queen's University as follows; that is to say,

- (1.) On and after the first day of January one thousand eight hundred and seventy-five, the letters patent of Her Majesty, under the Great Seal of Ireland, bearing date at Dublin, the eighth day of October in the twenty-eighth year of the reign of Her Majesty, shall be repealed, except in so far as such letters patent revoke any previous letters patent: Provided that such repeal shall not affect anything duly done or suffered under the said letters patent, or any degree, right, or privilege conferred in pursuance of the said letters patent:
- (2.) Any person aggrieved by loss of office or emolument in the Queen's University in pursuance of this Act may apply to

the council of the University of Dublin for compensation for such loss, and such council shall award, out of the funds of the University, such compensation as it thinks just; and any person so aggrieved, if dissatisfied with the decision of the council, may appeal to arbitration in manner provided by this Act :

A.D. 1873.

Any compensation payable under this section shall be a charge on the property of the University of Dublin :

(3.) In examining any persons who would, if this Act had not passed, have been examinable by the Queen's University, regard shall be had to the examination which such persons may reasonably have expected to pass if they had been examined by such University as last aforesaid, and the examination given to them shall be accommodated to such expectations accordingly :

(4.) Provision shall be made for the examination by the University of Dublin of persons not being members of the Queen's University who would, if this Act had not passed, have been entitled to be examined by the Queen's University in pursuance of the ordinance of the thirtieth day of January one thousand eight hundred and sixty.

41. Any person appointed to any office or emolument in the University of Dublin, the Queen's University, Trinity College, or the Queen's College, Galway, after the passing of this Act, shall take and hold such office or emolument subject to the provisions of this Act and to any ordinance made thereunder, and shall not be entitled to any compensation whatever in respect of the abolition of such office or the abolition or diminution in pursuance of the provisions of this Act, of any salary or payment attached to any such office or emolument.

Afterpassing of Act, holders of offices and emoluments to take subject to Act.

42. There may be demanded and received by the University for the granting of degrees or other University distinctions, and for the granting of certificates of proficiency or any other certificates whatever, and for registration, and for matriculation, and for any act done by or on behalf of the University, such reasonable fees as the council may from time to time determine, and such fees shall be applied in manner described by a scheme under this Act with respect to the property of the University.

Power for University to charge fees.

43. Arbitrations under the Act shall be conducted in manner directed by "The Railways Clauses Consolidation Act, 1845," and for this purpose the clauses of the said Act, with respect to the

Rules as to arbitration.

A.D. 1873.

settlement of disputes by arbitration, shall be incorporated herewith, subject to the qualification that in cases where the Board of Trade is thereby authorised to appoint an umpire the Commissioners of Public Works in Ireland shall have power to appoint the same.

Provision as
to Sunday
and fast
days.

44. Any act or thing by this Act directed to be done or suffered 5
on any particular day shall, if such day be Sunday, Christmas Day,
Good Friday, or any day being a public fast or public thanksgiving
day, be done or suffered on the day next succeeding, not being one
of such days as aforesaid.

Definitions in the Construction of this Act.

10

Interpreta-
tion.

45. In this Act, if not inconsistent with the context, the follow-
ing expressions have the meanings hereafter respectively assigned
to them; that is to say,

"Trinity College" means the College of the Holy and Undivided
Trinity, near Dublin, founded by Queen Elizabeth: 15

The "theological faculty" includes the holders of the following
offices and emoluments; (that is to say),

- (1.) The regius professorship of divinity;
- (2.) Archbishop King's lectureship in divinity;
- (3.) Assistant lectureship in divinity; 20
- (4.) Assistant lectureship in Hebrew;
- (5.) Erasmus Smith's professorship of oriental languages;
- (6.) The professorship of biblical Greek;
- (7.) The professorship of ecclesiastical history;
- (8.) The professorship in Irish: 25

"The Queen's University" means the Queen's University in
Ireland:

"Scholar" includes student:

"University," when used alone, means the University of Dublin:

"Private endowment" means any real or personal property which 30
consists of or is the produce of property or moneys given by private
persons out of their own resources, or which consists of or is the
produce of moneys raised by private subscription:

"Public academical emolument" means any emolument of
Trinity College, or any emolument payable wholly or partly out of 35
the Consolidated Fund or moneys provided by Parliament, or out
of any fund wholly or partly arising therefrom:

"Office or emolument" includes professorship, assistant or deputy
professorship, public readership, proctorship, lectureship, assistant
lectureship, provostship, tutorship, registrarship, bursarship, fellow- 40

ship, scholarship, exhibition, bursary, or sizarship, also any office, A.D. 1873.
emolument or place, the salary of which or the remuneration in
respect of which is payable out of the revenues or income of any
University or College in that behalf mentioned or referred to, or
5 of any school of law, medicine, or other school or faculty belonging
to such University or College, or which is held or enjoyed by any
member of such University or College in his character of member.

SCHEDULES.

See section
2.

FIRST SCHEDULE.

LIST OF COLLEGES.

See section
5.

SECOND SCHEDULE.

ORDINARY MEMBERS OF COUNCIL.

THIRD SCHEDULE.

A.D. 1873.

Powers and legal Character of Council.

(1.) The council may from time to time appoint and remove a secretary and such other officers and servants as they deem to be required for the exercise of their powers, and may assign them such duties and salaries as they think just. See section 5.

(2.) The common seal of the University shall be in the custody and under the control of the council.

(3.) The council may at any time after the passing of this Act appoint a sufficient number of committees to take into consideration and report to the council their opinion respecting any business submitted to such committees.

(4.) The council shall, in the case of each committee, determine the quorum required to be present at the meetings of such committee.

(5.) No act or proceeding of the council shall be questioned on account of default being made in the election of any collegiate members, or on account of any other vacancy or vacancies in the council.

(6.) No defect in the qualification or election of any person or persons acting as a member or members of the council or of a committee of the council shall be deemed to vitiate any proceedings of such council or committee in which he or they have taken part in cases where the majority of members, parties to such proceedings, are duly entitled to act.

(7.) Any minute made of proceedings at meetings of the council or of committees of the council, if signed either at the meetings of the council, or of the committee at which such proceedings took place, or at the next ensuing meeting of the council or of the committee, by any person purporting for the time being to be the chairman of the council or of the committee, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved, every meeting of the council or of any committee of the council, where minutes have been so made of the proceedings, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

(8.) No member of the council, by being party to, or executing in his capacity of member, any contract or other instrument, or otherwise exercising any of the powers given to the council, shall

A.D. 1872.

be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and the council may apply any moneys from time to time coming into their hands for the purpose of paying any costs of legal proceedings or damages they may incur in execution of the powers granted to them. 5

(9.) All orders of the council, all contracts made by the council, and all other documents proceeding from the council, shall be deemed to be duly executed if sealed with the University seal; or, in cases where a seal would not be required for the validity of the instrument if made between private persons, if signed by two or 10 more members of the council authorised to sign them by a resolution of the council, and countersigned by the secretary; but it shall not be necessary in any legal proceeding to prove that the members signing any such order or other document were authorised to sign them, and such authority shall be presumed until the contrary is 15 proved.

(10.) All expenses incurred by the council in the exercise of their powers shall be defrayed out of the property of the University.

Proceedings of Council.

(1.) The council shall meet for the despatch of business, and shall 20 from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the council, as they think fit, subject to the following conditions: 25

- (a.) Meetings of the ordinary members of the council shall be held in the year one thousand eight hundred and *seventy-four* for the purposes in this Act in that behalf provided, and the provisions of this schedule shall be deemed to apply to such meetings in the same manner as if the 30 ordinary members alone constituted the council;
- (b.) The first meeting of the complete council shall be held on the first Monday in November one thousand eight hundred and *seventy-four*;
- (c.) An extraordinary meeting of the council may be summoned 35 at any time on the requisition of three members of the council addressed to the secretary;
- (d.) The quorum to be fixed by the council shall consist of not less than five members;
- (e.) Every question shall be decided by a majority of votes of the 40 members present, and voting on that question;

(f.) The names of the members present at a meeting, and upon a requisition made by three or more members voting on a question, the names of the members voting on that question shall be recorded. A.D. 1872.

5 (2.) Any member chosen by the meeting shall be chairman of the meetings of the council on and before the first day of January one thousand eight hundred and seventy-five, and after that day the vice-chancellor, and in his absence any member chosen by the meeting, shall be chairman of such meetings.

10 (3.) In case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote.

The council shall cause minutes to be made,—

1. Of all appointments of officers made by the council ;
- 15 2. Of all orders made by the council and committees of the council ; and,
3. Of all resolutions and proceedings of meetings of the council and of committees of the council.

FOURTH SCHEDULE.

20 *Proceedings of Committees of Council.*

(1.) A committee of the council shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit, subject to the following conditions : See section 5.

- (a.) Every question shall be decided by a majority of votes of the members present, and voting on that question ;
- 30 (b.) The names of the members present at a meeting, and upon a requisition made by three or more members voting on a question, the names of the members voting on that question shall be recorded.

(2.) A committee of the council may elect a chairman of their meetings for such time not exceeding a year as they may think fit. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

35 (3.) In case of an equal division of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

A.D. 1873.

FIFTH SCHEDULE.

*Rules as to Allocation of Property in event of Trinity College
preferring Apportionment of Property to paying Charge.*See section
17.

(1.) All private endowments applicable to the maintenance of the University and Trinity College, or either of such bodies, shall be 5 deemed to belong to, and shall remain vested in, the College.

(2.) The commissioners shall ascertain a capital sum equal to the value of all buildings, grounds, and premises situate in Dublin, with their fittings and appurtenances, in the occupation of the University of Dublin and Trinity College, or of one of such bodies, 10 or of the members of such bodies or one of them, and shall find the amount of interest at four per cent. on such capital sum as aforesaid, and Trinity College shall be entitled for their own use to a capital sum equal to seven and a half times the amount of such annual sum as aforesaid. 15

(3.) The library and museums of Trinity College, together with such buildings as may be appropriated by the commissioners to such library and museums shall be deemed to belong to, and shall remain vested in, the College: Provided that it shall be the duty of the governing body of the College to make reasonable arrangements, 20 to the satisfaction of the Church Commissioners, in this schedule referred to as the commissioners, for allowing the use and enjoyment of such library and museum to all members of the University on equal terms with the members of the College; and if the governing body make default in making such arrangements on or before the 25 first day of January one thousand eight hundred and seventy-six, the library and museum, with the aforesaid buildings, shall cease to be the property of the College, and shall pass to and be vested in the University for the benefit of all members of the University and College. 30

(4.) The commissioners shall, as soon as practicable, ascertain the amount of an annual sum sufficient to pay the salaries and satisfy the claims (so far as such salaries and claims would, if this Act had not been passed, have been payable out of the revenues or income of the University or College, or by or out of the fees paid 35 by students) of all persons who, on the first day of January one thousand eight hundred and seventy-five, hold offices or emoluments in the said University and College, or either of such bodies (not being offices or emoluments in the theological faculty), and such

sum is in this schedule referred to as "the office-holders trust charge." A.D. 1873.

(5.) The commissioners shall, in ascertaining the salary or claim of any holder of any office or emolument in the University or College, have regard to the prospective increase of any income which he may reasonably expect to accrue by reason of his holding such office or emolument, also to any reasonable expectation which he may entertain of the renewal of his office or of succeeding to some other more profitable office or emolument in the College by reason of his being the holder of an existing office or emolument, and they shall in respect of such expectation as aforesaid make a proportional increase in the income payable to him out of the office-holders trust charge.

(6.) Where any portion of the income of the holder of any such office or emolument as is mentioned in this schedule is derived from fees or other like sums payable into a common fund, and then distributed amongst certain of the said holders, or payable directly to or for the holder of such office or emolument, the commissioners shall make a separate estimate of such portion, and if at any time after the first day of January one thousand eight hundred and seventy-five proof to the satisfaction of the commissioners is given by such holder or by the governing body of Trinity College on his behalf, that such portion as aforesaid of income has been diminished by reason of the loss of pupils to the College arising from the operation of this Act, the commissioners shall make good to such holder any diminution of income so resulting as aforesaid, and any sum paid by the commissioners in making good such diminution shall be deemed to be a debt due from the University to the commissioners and may be recovered accordingly.

(7.) The whole of the property belonging to the said University and College, or either of such bodies, after subtracting the said private endowments and the said museum and library and buildings, shall subject to the payment to the representative Church body of the said theological fund, together with interest thereon at the rate aforesaid so long as such sum remains unpaid, and to the payment of the said office-holders trust charge, and of the capital sum payable as aforesaid to Trinity College in respect of its buildings, and of any existing debts or charges thereon on and after such day as last aforesaid, be deemed to be divisible in equal shares between the University and the College.

(8.) Any surplus of the said office-holders trust charge remaining in any year after satisfying the claims on such charge shall be

A.D. 1873.

divided equally between the University and the College, and on the determination of all such claims the charge shall be extinguished.

(9.) In making any allocation of property in pursuance of this section, the commissioners may either deal with land or other property in its existing state, or may convert all or any portion of such property into money, subject to this proviso, that the College shall be entitled to retain all or any part of their collegiate buildings and collegiate grounds and premises, without prejudice to the right by this Act reserved to them in respect of the library and museum, on payment of such sum as may be agreed between them and the commissioners, or in the event of dispute, may be settled by arbitration. 10

(10.) The commissioners may, with the consent of the governing body of Trinity College, substitute an equivalent annual charge for the capital sum by this Act directed to constitute the theological faculty fund, and where any property is directed or authorised to be given to the University, the commissioners may give instead an equivalent for such property in money or securities for money. 15

(11.) The commissioners may, in case it become necessary so to do for the purposes of this schedule, sell all or any portion of the property which they are by this Act authorised to allocate, with the exception of the property belonging to private endowments, or the library and museum, or other public buildings. 20

They may also, for the purposes of this schedule, raise money on any portion of such property, and any sale or mortgage made by an instrument under the seal of the commissioners shall have the same effect as if it were a mortgage or a sale made by the governing body of Trinity College in pursuance of a power of mortgage or sale; and any moneys raised by the commissioners by such sale or mortgage shall be applicable in the same manner and to the same trust as the property sold or mortgaged would have been applicable to, or as near thereto as circumstances permit. 30

(12.) The commissioners may cause valuations to be made of the whole or any portion of the property to be dealt with by them under this section. 35

(13.) Subject to such arbitration as is in this Act mentioned, the judgment of the commissioners as to the division of property between the University and the College, and as to the claims of all persons holding offices or emoluments in the University of Dublin and Trinity College, or any of such bodies, and as to every question arising out of or incidental to such division, shall be conclusive; provided that nothing in this schedule contained shall affect the 40

security of any mortgagee or creditor, or his right to recover any money due to him. A.D. 1873.

(14). The following persons and body corporate, that is to say,

1. Any holder of an office or emolument in the University of Dublin or Trinity College, whose claim is made a charge upon "the office-holders trust charge," and

2. Trinity College,

may appeal to arbitration as aforesaid, as to the above-mentioned holder, against any order of the commissioners involving any question as to "the office-holders trust charge," or the charges thereon, on the ground that the security awarded to him by such order is insufficient, but on no other ground; and as to Trinity College, on the ground of any error made in the valuation of property belonging to or claimed by the College, but on no other ground.

(15.) The University shall have a capacity without license in mortmain to hold any lands which may be assigned to it in the division of property made between the University and Trinity College in pursuance of this schedule, and to hold any land acquired by them for the purpose of any buildings authorised to be provided by them.

University Education
(Ireland).

A

B I L L

For the Extension of University
Education in Ireland.

(Prepared and brought in by
Mr. Gladstone and the Ministry of Education.)

Ordered by The House of Commons, to be Printed,
18 February 1873.

[Bill 52]

LONDON: G. OZ.